

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 05-10018-RGL
)
 ROBERT ARNOLD)

ASSENTED-TO MOTION TO CONTINUE SENTENCING

Defendant, Robert Arnold, hereby moves to continue the sentencing hearing in the above-entitled matter, presently scheduled for June 28, 2005, to a date convenient to the Court but no sooner than July 29, 2005. As reasons therefore, counsel states the following:

1. The Probation Department has completed the presentence interview and issued a draft Presentence Report. The parties have submitted objections and await the issuance of the final Presentence Report.
2. The draft Presentence Report has suggested that defendant is subject to the career offender advisory sentencing guideline. Defendant has objected to the Probation Department's conclusion in part because of uncertainties concerning the predicate state court convictions. Counsel needs a brief continuance in order to conduct factual and legal research into defendant's prior record. Although counsel has already begun obtaining docket sheets and other materials necessary for this investigation, counsel believes it unlikely that he will have all of the materials in a timely enough manner to prepare a thorough challenge by the Court's deadline for sentencing memoranda.
3. Moreover, the draft Presentence Report details a lengthy history of psychological and psychiatric issues. Counsel has determined that an expert will be required to properly determine whether and to what degree the history is relevant to the sentencing factors contained in 18 U.S.C. § 3553(a). Counsel has begun the process of obtaining such an expert but

believes that any expert will require additional time to conduct a comprehensive review of defendant's history.

4. While only a brief continuance is necessary, counsel for the government is on leave until July 4, 2005 and counsel for defendant will be on leave from July 7-23, 2005. Counsel requests that the sentencing hearing be scheduled for a date sufficiently after counsel's return so that he may prepare and file a sentencing memorandum that conforms to the Court's ordinary procedural order.
5. The Speedy Trial Act does not apply to this Motion as defendant has already pled guilty. Defendant notes that he pled guilty within six weeks of indictment and has not previously requested any continuances.
8. The government, by and through Assistant U.S. Attorney Timothy Feeley, assents to this motion.

ROBERT ARNOLD
By his attorney,

/s/ Timothy G. Watkins
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